

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

2012 AUG -3 P 4: 54

ABIGAIL O'NEILL,

Plaintiff,

V.

COLUMBIA SUSSEX CORP., ET AL.,

Defendants.

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Case No. 1:17 cv 0608

AST/IDD

NOTICE OF REMOVAL OF CIVIL ACTION

Defendants CP Crystal City, LLC, CP Crystal City Fee Owner, LLC, and Columbia Sussex Corp. (collectively “Defendants”), the Defendants in a civil action brought by Abigail O’Neill (“Plaintiff”) now presently pending as Civil Action No. 12-312 in the Circuit Court for Arlington County, Virginia, hereby file this Notice of Removal, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, on the grounds that the parties to this action are citizens of different states and the amount in controversy exceeds \$75,000 exclusive of interests and costs. In support of its Notice of Removal, Defendants state as follows:

1. On February 2, 2012, Plaintiff filed a complaint against Defendants and several other entities, including Hilton Worldwide, Inc., WHG VA LLC, JBG/Crystal City Hotel, LLC, and JBG/Crystal City Hotel Operator, LLC in the Circuit Court of Arlington County, Virginia, a true and correct copy of which is attached hereto as Exhibit 1 ("the Complaint").

2. This action was styled and captioned as *Abigail O'Neill v. Hilton Worldwide, Inc., et al.*, and assigned Civil Action No. 12-312 ("the State Court Case").

3. In the State Court Case, Plaintiff alleges a single count of innkeeper negligence against Defendants and requests judgment in the amount of \$370,000.

4. On or about June 28, 2012, the Circuit Court of Arlington County entered an Order non-suiting the case against Hilton Worldwide, Inc., a true and correct copy of which is attached hereto as Exhibit 2.

5. On or about July 13, 2012, the Circuit Court of Arlington County entered an Order non-suiting the case against WHG VA LLC, JBG/Crystal City Hotel, LLC, and JBG/Crystal City Hotel Operator, LLC, a true and correct copy of which is attached hereto as Exhibit 3.

6. Upon information and belief, the Defendants were served with the Complaint on or about July 16, 2012. See Exhibit 4

7. Defendant CP Crystal City, LLC is a Delaware limited liability company whose principal place of business is located in the commonwealth of Kentucky. See Exhibit 5.

8. Defendant Crystal City Fee Owner, LLC is a Delaware limited liability company whose principal place of business is located in the state of Arizona. See Exhibit 6.

9. Defendant Columbia Sussex Corp. is a Kentucky corporation whose principal place of business is located in the commonwealth of Kentucky. See Exhibit 7.

10. Upon information and belief, Plaintiff is a citizen of the commonwealth of Pennsylvania. See Exhibit 1 (Complaint ¶ 1).

11. This Notice of Removal is timely because it is being filed within the statutorily allowed thirty (30) day period after the date Defendants received a copy of the initial pleading. See 28 U.S.C. § 1446(b).

12. Pursuant to 28 U.S.C. § 1332, the Federal District Court has original jurisdiction of all civil actions between citizens of different states where the amount in controversy exceeds \$75,000 exclusive of interest and costs.

13. Pursuant to 28 U.S.C. § 1332, the Federal District Court has original jurisdiction of all civil actions between citizens of different states where the amount in controversy exceeds \$75,000 exclusive of interest and costs.

14. Pursuant to 28 U.S.C. § 1441(a) and (b), the State Court Case may be removed to the Federal District Court because the federal courts have jurisdiction over this claim and no defendant in this action is a citizen of the commonwealth of Virginia.

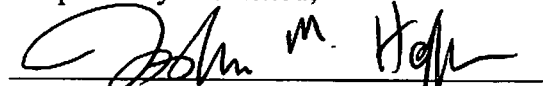
15. Under 28 U.S.C. § 1446(a), (b) and (d), the State Court Case may be removed to the United States District Court for the Eastern District of Virginia, Alexandria Division, which is the Federal District Court that embraces Arlington County within its jurisdiction. Concurrent with the filing of this Notice of Removal, written notice thereof will be given to Plaintiff. A true and correct copy of the Notice being filed with the Clerk of Circuit Court of Arlington County, Commonwealth of Virginia, is attached hereto as Exhibit 8.

16. In filing this Notice of Removal, Defendants do not waive and hereby expressly reserve the right to assert any and all defenses, including contesting jurisdiction and service of process.

WHEREFORE, Defendants give notice that the above-captioned action is removed from the Circuit Court of Arlington County, Commonwealth of Virginia, to this Court.

Dated: August 3, 2012

Respectfully submitted,

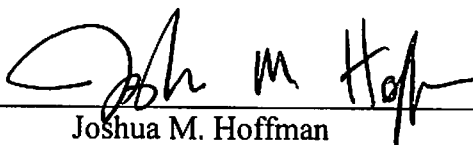


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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 2012 a true copy of the foregoing was served via first-class mail, postage pre-paid, on the following party:

Jonathan A. Nelson, Esq.
10560 Main Street
Suite 218
Fairfax, Virginia 22030
Phone: (703) 268-5600
Fax: (703) 268-5602
Counsel for the Plaintiff


Joshua M. Hoffman